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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,988	04/13/2001	Robert James Toth	N-5833	3541
23456	7590	02/09/2005	EXAMINER	
WADDEY & PATTERSON 414 UNION STREET, SUITE 2020 BANK OF AMERICA PLAZA NASHVILLE, TN 37219			FAROOQ, MOHAMMAD O	
			ART UNIT	PAPER NUMBER
			2182	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/834,988

Applicant(s)

TOTH ET AL.

Examiner

Mohammad O. Farooq

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 21-24 is/are rejected.
- 7) ☒ Claim(s) 11-20 and 25-31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because most sheets of drawings do not have names associated with the respective item numbers and labels in most of the sheets are difficult to read. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: page 7, line 22 has "...count ant the..." and page 8, line 1 has "...batter back-up..." There seems to be errors in both of these places. This office action treats page 7, line 22 as "...count and the..." and page 8, line 1 as "...battery back-up..."

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 9, 10 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Papa et al. U.S. Pat. No. 6,324,608 in view of Koenig et al. U.S. Pat. No. 5,740,241.

4. As to claim 1, Papa et al. teach a modular system, comprising:
a system chassis having a system backplane for receiving and connecting one or more system modules to network (col. 6, lines 23-65); and
one or more system modules removably connected to the system chassis for connecting one or more devices to network (col. 6, lines 23-65).

Papa et al. do not teach T1; and voice and data. Koenig et al. teach T1; and voice and data (inherent since T1 is capable of voice and data; abstract). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Papa et al. and Koenig et al. because that would provide full period dedicated private circuits for interconnection (col. 2, lines 13-26).

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5. As to claim 2, Papa et al. teach system, comprising a power service unit connected to the system chassis for supplying power received from the network to one or more system modules (col. 7, lines 7-22).

Papa et al. do not teach T1. Koenig et al. teach T1 (abstract). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Papa et al. and Koenig et al. because that would provide full period dedicated private circuits for interconnection (col. 2, lines 13-26).

6. As to claim 3, Papa et al. teach a bank controller unit (i.e. microcontrollers) connected to the system chassis for controlling the power service unit and the one or more system modules (col. 4, lines 8-43).

7. As to claim 4, Papa et al. teach wherein the power service unit (i.e. power modules) supplies power to the one or more system modules using an ac power supply (inherent; col. 4, lines 8-17; col. 7, lines 7-22).

8. As to claim 5, Papa et al. teach system further comprising a battery backup system for supplying power to the system (i.e. other power modules; col. 6, lines 10-23).

9. As to claim 6, Papa et al. teach bank controller (i.e. microcontrollers; col. 4, lines 8-43).

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Papa et al. do not teach T1 connector and T1 interface transceiver. Koenig et al. teach T1 connector and T1 interface transceiver (inherent since T1 connects with CPE and CO; see fig. 1). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Papa et al. and Koenig et al. because that would provide control process using minimum circuit components (col. 12, lines 28-50).

10. As to claim 9, Papa et al. teach wherein the one or more system modules include dumb access modules, smart access modules, or a combination of both dumb and smart access modules (see fig. 2; col. 4, lines 8-65).

11. As to claim 10, Papa et al. do not teach system modules include any combination of one or more of the following modules; an FXS/FXO access module; a fractional T1 port; a Nx56/64 access module; a U-BRITE access module; or a DDS access module. Koenig et al. teach system modules include any combination of one or more of the following modules; an FXS/FXO access module; a fractional T1 port; a Nx56/64 access module; a U-BRITE access module; or a DDS access module (col. 16, lines 49-62; col. 12, lines 28-50). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Papa et al. and Koenig et al. because that would provide full period dedicated private circuits for interconnection (col. 2, lines 13-26).

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12. As to claim 21, Papa et al. teach system comprising:

a. a system chassis having a bank of module slots, each slots adapted for receiving one of a plurality of removeable system modules such that the system modules can be inserted in and removed from the module slots from a front portion of the chassis (inherent; col. 6, lines 23-65)

b. the system chassis further comprising a system backplane adapted for electrically connecting to the system module connectors on a rear portion of the system modules (col. 7, lines 7-22); and

c. the system modules including a plurality of access modules used in the system being selected by the customer to correspond to the types of customer premises communications devices to be connected to the network (col. 4, lines 8-55; col. 6, lines 23-65).

Papa et al. do not teach T1 and customer premises communication. Koenig et al. teach T1 and customer premises communication (abstract; see fig. 1). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Papa et al. and Koenig et al. because that would provide full period dedicated private circuits for interconnection (col. 2, lines 13-26).

13. Claims 22, 23 and 24 are similar in limitations as claims 2, 3 and 9. Papa et al. and Koenig et al. teach system as set forth in claims 2, 3 and 9. Therefore, Papa et al. and Koenig et al. in combination also teach system as set forth in claims 22, 23 and 24.

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14. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Papa et al. U.S. Pat. No. 6,324,608 in view of Koenig et al. U.S. Pat. No. 5,740,241 further in view of Hong et al. U.S. Pat. No. 6,563,821.

15. As to claims 7 and 8, Papa et al. teach bank controller (i.e. microcontrollers; col. 4, lines 8-43).

Papa et al. do not teach customer terminal interface connector. Koenig et al. teach customer terminal interface connector (inherent since T1 connects to CPE; see fig. 1). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Papa et al. and Koenig et al. because that would provide control process using minimum circuit components (col. 12, lines 28-50).

Neither Papa et al. nor Koenig et al. teach fractional T1. Hong et al. teach fractional T1 (col. 6, lines 24-46). However, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combination of Papa et al. and Koenig et al. with Hong et al. because that would provide expanded bandwidth which can be easily managed (col. 1, lines 51-55).

Allowable Subject Matter

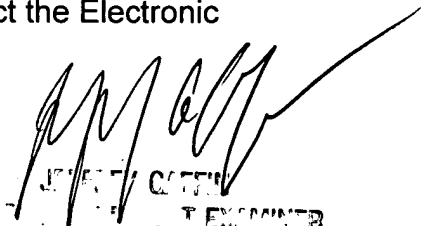
16. Claims 11-20 and 25-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad O. Farooq whose telephone number is (571) 272-4144. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JEFFREY A. GAFFIN
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Mohammad O. Farooq
January 30, 2005